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TO: EXAMINER Christina O. Sherr

EXAMINER'S TELEPHONE NUMBER 703-305-0625

ART UNIT 3621

SERIAL NO. 09/454,349

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MAY 08 2003

FROM: Edward W. Goodman

REGISTRATION NO. 28,613

GROUP 3600

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION  
580 WHITE PLAINS ROAD  
TARRYTOWN, NEW YORK 10591  
TELEPHONE: 914-333-9611  
FACSIMILE: 914-332-0615

Official

Enclosed: Response under R116 + Amendment Cover

I certify that this document consisting of 4 pages (including this cover sheet) is being transmitted via telecopier to the United States Patent and Trademark Office at the telephone number set forth above on May 7, 2003.



Edward W. Goodman

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

MICHAEL A. EPSTEIN

PHA 23,637

Serial No.: 09/454,349

Group Art Unit: 3621

Filed: December 3, 1999

Examiner: C.O. Sherr

Title: KEY DISTRIBUTION VIA A MEMORY DEVICE

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Enclosed is an amendment in the above-identified application.

No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED					
	Claims remaining after amendment	Highest number previously paid for	Number extra	Rate	Additional Fee
Total Claims	20 Minus 20 <sup>1</sup> =		X \$18=	\$	
Independent Claims	5 Minus 5 <sup>2</sup> =		X \$34=	\$	
Multiple Dependent Claims, if any. If not previously paid, \$280.					\$
Total Additional fee for this amendment =					\$

<sup>1</sup>If less than 20, enter 20. <sup>2</sup>If less than 3, enter 3.

Please charge any fees which may be required, except the issue fee, or credit any overpayment to Deposit Account No. 14-1270.



Edward W. Goodman, Reg. 28,613  
 914-333-9611

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

H/D  
59-03  
5/1/03  
Met

In re Application of

Atty. Docket

MICHAEL A. EPSTEIN

PHA 23, 637

SERIAL NO.: 09/454, 349

GROUP ART UNIT: 3621

FILED: December 3, 1999

EXAMINER: C.O. Sherr

## KEY DISTRIBUTION VIA A MEMORY DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

RESPONSE UNDER 37 C.F.R. 1.116

This is in response to the Office Action mailed February 12, 2003, in which the Examiner rejected claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,289,455 to Kocher et al. in view of U.S. Patent 5,864,683 to Boebert et al.; claims 4-7 under 35 U.S.C. 103(a) as being unpatentable over Kocher et al. in view of Boebert et al.; claims 8-13 under 35 U.S.C. 103(a) as being unpatentable over Kocher et al. in view of Boebert et al.; claims 14-17 under 35 U.S.C. 103(a) as being unpatentable over Kocher et al. in view of Boebert et al.; and claims 18-20 under 35 U.S.C. 103(a) as being unpatentable over Kocher et al. in view of Boebert et al.

Applicant believes that the Kocher et al. patent is an improper reference. In particular, the Kocher et al. patent bears a

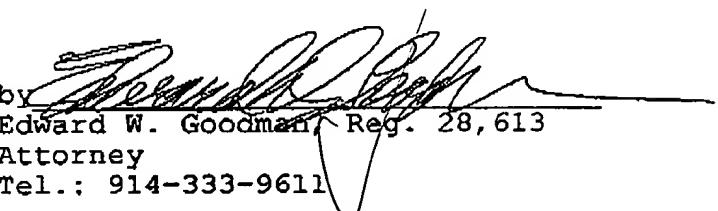
filling date of September 2, 1999. While the subject application has a filing date of December 3, 1999, Applicant would like to point out to the Examiner that the subject application claims priority based on Provisional Patent Application Serial No. 60/126,169, filed March 25, 1999. This claim was acknowledged by the USPTO in the Official Filing Receipt.

Since the effective filing date of this application is now March 25, 1999, this pre-dates the filing date of the Kocher et al. patent, and as such, Applicant respectfully requests that all rejections based thereon be withdrawn.

Applicant would like to point out that in the Office Action mailed August 19, 2002, the Examiner acknowledged "Kocher et al (6,289,455B1) is inapposite in this case as being more recent a reference that the priority date of this application."

Applicant believes that this application, containing claims 1-20, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by   
Edward W. Goodman Reg. 28,613  
Attorney  
Tel.: 914-333-9611